IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
REVIEW PETITION (LODG.) NO.67 OF 2005
IN
WRIT PETITION NO.1666 OF 1996

Mrs.A.Markose of Bombay. .. Petitioner

Vs.

Tata Housing Development Company Ltd. & Others. .. Respondents

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Shri J.P.Cama with Ms Shobha Kher with Shri Mahesh Londhe i/b M/s.Sanjay Udeshi & Co. for the petitioner.

Shri P.D.Gandhi with Shri Majra i/b M/s.Wadia Gandhy & Co. for respondent No.1.

Shri A.A.Kumbhakoni, Associate Advocate General with Shri R.J.Mane for the respondent Nos.2, 3 and 4.

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CORAM : R.M.S.KHANDEPARKAR &
V.M.KANADE, JJ

DATED : 20th DECEMBER, 2005.

P.C.

1. Heard. The only ground on which the judgment dated 19th September, 2005 in Writ Petition No.1666 of 1996 is sought to be reviewed is that a decision of the Apex Court in the matter of **Welfare Association A.R.P. Maharashtra & Anr. v. Ranjit P.Gohil & Ors.,** reported in AIR 2003 SC 1266 was not brought to the

notice of this Court and had it been brought to the notice of this Court, the Court would have taken a different view. After hearing learned counsel for the petitioner at length, we have not been able to be persuaded with the contention that the Apex Court in **Welfare Association A.R.P.Maharashtra's case (supra)** has taken a view different from the one taken in **Maheshchandra Trikamji Gajjar v. The State of Maharashtra & Ors.**, in Civil Appeal No.2026 of 2000 decided on 9th March, 2000. Being so, there is absolutely no case for review of the judgment dated 19th September, 2005 on the ground on which it is sought to be reviewed. Incidentally, it may be mentioned that the Apex Court has clearly observed that "what the impugned Amending Act has done is to fundamentally alter the very basis of occupation of the premises by the occupants. Instead of their remaining in occupation **by virtue of orders of allotment of requisitioned premises,** the Amending Act declared that the requisitioning shall come to an end and the occupants shall become tenants under the owners who would become the landlords and the amount of compensation shall become rent." (Emphasis supplied.) Evidently, the decision of the Apex Court in **Welfare Association A.R.P.Maharashtra's case (supra)** also fortifies the view taken by us in the

present case while disposing of the writ petition on 19th September, 2005. The occupants thereof referred to are in occupation of the premises by virtue of orders of allotment of requisitioned premises and not otherwise. Hence, there is no case for review. Therefore, the petition for review of the judgment dated 19th September, 2005 is rejected.

2. At the request of learned counsel for the petitioner, the respondents shall ensure that the order of eviction is not executed till 10th January, 2006.

(R.M.S.KHANDEPARKAR, J)

(V.M.KANADE, J)